

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

)
UNITED STATES OF AMERICA,)
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)
)
v.)
)
HERIBERTO RODRIGUEZ,)
Defendant,)
)
)

**CRIMINAL ACTION
NO. 05-40006-FDS**

STATUS REPORT
February 28, 2006

HILLMAN, M.J.

The following is a Status Report to Saylor, J. to whom this case is assigned:

1. Discovery

On January 20, 2006, counsel for the Defendant filed a Motion For Discovery. That motion sought “Reports of all scientific tests or experiments,” “Color copies of all photographs taken during the course of the crime charged or during the investigation,” and “Exculpatory evidence regarding police officers.” The Government filed a timely response to that motion and the parties have conferred in an effort to resolve the discovery dispute. They have resolved their differences with respect to the scientific tests and photographs.

The Court heard argument on the Defendant’s request for exculpatory evidence regarding police officers. Specifically, the Defendant seeks whether any police officer who will testify at the trial of this case has been the subject of an internal investigation, disciplinary action, or criminal

investigation. The Court requested some legal authority for the respective positions of the parties and the Defendant was given until March 13, 2006, within which to file a supplemental memorandum and the Government was given until April 3, 2006 to file its response. The case was continued until April 11, 2006 for a final status conference.

Except for the materials that are the subject of the above motion, the parties represent that by April 11, 2006, discovery will be complete.

2. Final Status Conference

A final status conference shall be held in this case on April 11, 2006, at 3:00 p.m., in Courtroom 1, Fifth Floor, Donohue Federal Building, United States Courthouse, 595 Main Street, Worcester, Massachusetts.

3. Excludable Time

At the request of the Government and without objection from Mr. Rodriguez's counsel, I am excluding from the Speedy Trial Act, the period from January 26, 2006 (date by which the Government was to have filed its opposition to Mr. Rodriguez's motion for discovery) through and including April 11, 2006 (date of the final status conference). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Tuesday, June 20, 2006.

/s/Timothy S. Hillman

TIMOTHY S. HILLMAN
MAGISTRATE JUDGE